

REMARKS

In the Office Action Claims 1 and 2 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The examiner required that capital letters, other than for Internet, must be lower case letters, and suggested that "object" be replaced with "object-oriented program module". The claims have been amended accordingly. Because of the extensive changes required to comply with this requirement, a clean courtesy copy of independent claims 1 and 2, as amended, is included as Attachment A for convenience in reading these amended claims.

Claims 2, 1 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the 11/19199 Article (R1) in view of Molbak (R2) or further in view of Koreeda or Kolling et al. This is respectfully traversed.

Independent Claim 2. With respect to independent method claim 2, steps (a) and (b) respectively require: "receiving at a first Internet website an indication of interest from a donor to make a donation to the charitable organization, the first Internet website being an Internet website of a charitable organization" and "hyperlinking the donor to a second Internet website to allow the donor to make the donation, the second Internet website not being an Internet website of the charitable organization." Support for these steps is found in Figure 10 and the accompanying text. Thus, the donor is at the charitable organization website and, if the donor wishes to make a donation, the donor is hyperlinked to another website which is not the charitable organization's website.

Conversely, in the ARTICLE, the donor is at a website which is not the charitable organization's website, and is pointed to a link which will transport the donor to the charitable organization's website: "The special Toys for Tots section on WingspanBank.com will point consumers to the eToys web site (www.etoys.com/toysfortots)." Thus, the ARTICLE teaches that the donor is transported to the charitable organization website to make the donation. The ARTICLE neither suggests nor discloses that the donor should be transported from the charitable organization website to make the donation.

The Patent Office stated that claim step 2(f) (formerly claim step 2(e)) was "inherently included in the teaching of ARTICLE 11/1999 to properly deliver the toy to desired recipient Note also that steps (e)-(g) are conventional on online payment system using credit card and would have been obvious to an ordinary skill to apply these steps."

However, claim step 2(f) requires "displaying selective delivery information responsive to said purchase of said asset". Support for this step is found in Figures 16 and 17 and the accompanying text. The ARTICLE does not suggest or disclose "displaying selective delivery information responsive to said purchase of said asset". Rather, it simply states "Toys for Tots" will deliver the gifts to underprivileged children nationwide ...". The ARTICLE neither suggests nor discloses that the donor will be advised of the delivery information for the desired recipient (underprivileged children). Further, disclosing such information at the time would be impossible as, at least based upon the ARTICLE, there is no indication that Toys for Tots knows which gifts will go to which underprivileged children. Also, Toys for Tots cannot be the desired recipient as Toys for Tots is the vendor from whom the gifts are purchased: "The special Toys for Tots section on WingspanBank.com will point consumers to the eToys web site (www.etoys.com/toysfortots) where they can purchase a range of popular toys at 50 percent off the regular retail price." Therefore, the ARTICLE neither suggests nor discloses claim step 2(f) (formerly claim step 2(e)). Further, as discussed above, as the desired recipient is not known and cannot be known, it is neither possible nor obvious to display "selective delivery information responsive to said purchase of said asset".

With respect to claim step 2(i) (formerly claim step 2(h)), the Patent Office stated "MOLBAK ET AL (R2) discloses the step of managing the donation by collecting and outputting selected information or report or document dealing with the donation for the well known purpose of preparing tax return record for tax reduction such as date, amount of transaction and donation, federal employer ID number of the charitable organization, etc. (see col. 2, lines 1-5 (or C2:L1-5), C2:L43-47, C5:L8-21, C8:L15-55 or C10:L8-25). It would have been obvious to modify the teachings of ARTICLE 11/1999 by setting up step (h) for collecting transactional data such as amount of donation and purchase transaction for the well known purpose of reporting of documentation for tax return record as taught by MOLBAK ET AL above. As for the limitation of carrying out step (h) via a charitable organization's website, it's well known that the a charitable organization normally prepares and sends out the report of

donation to ensure proper record and validity, therefore it would have been obvious for the charitable organization's website to carry out this function or to do so."

However, this claim step requires "collecting transactional data concerning the donor, the donation made by the donor, and the purchase of the asset by the donor." Support for this step is found in Figure 18 and the accompanying text, particularly paragraphs (0024) and (0025) on pages 13 and 14 of this application, which appears as paragraphs [0043] and [0044] of the publication of this patent application (US 2001/0051875). This is neither suggested nor disclosed by the ARTICLE because Toys for Tots is both the vendor from whom the gifts are purchased and the charitable organization: "The special Toys for Tots section on WingspanBank.com will point consumers to the eToys web site (www.etoys.com/toysfortots) where they can purchase a range of popular toys at 50 percent off the regular retail price"; and "Toys for Tots" will deliver the gifts to underprivileged children nationwide." Thus, for this step to have been suggested or disclosed by the article, WingspanBank.com would have to collect the transactional data for Toys for Tots, which is neither suggested nor disclosed, and which would make no sense as Toys for Tots is the organization with which the transaction is being conducted. Thus, neither the ARTICLE nor MOLBAK, singly or in combination, suggest or disclose that the donation information should be collected by an entity other than the charitable organization. Likewise, neither KOREEDA nor KOLLING suggest or disclose "collecting transactional data concerning the donor, the donation made by the donor, and the purchase of the asset by the donor" should be collected by an entity other than the charitable organization.

As these steps of claim 2 are neither disclosed nor suggested by the cited art, singly or in combination, claim 2 is patentable over the prior art.

Independent Claim 1. As for independent apparatus claim 1, element (a) requires: "a donor experience object-oriented program module in communication with a donor via a hyperlink from a charitable organization's website". (Emphasis added.) Support for this element is found in Figure 10 and the accompanying text. As discussed above, the ARTICLE neither suggests nor discloses that the donor should be transported from the charitable organization website to make the donation.

Element 1(d) requires: "a delivery object-oriented program module in communication with said donor experience object-oriented program module, said delivery object-oriented

program module receiving selected delivery information for said asset". Support for this element is found in Figures 16 and 17 and the accompanying text. As discussed above, the ARTICLE neither suggests nor discloses this element as the desired recipient is not known and cannot be known.

Element 1(g) requires: "said confirmation object-oriented program module receiving selected transactional data from said give object-oriented program module, said delivery object-oriented program module, and said payment object-oriented program module." Support for this element is found in Figure 18 and the accompanying text, particularly paragraphs (0024) and (0025) on pages 13 and 14 of this application, which appears as paragraphs [0043] and [0044] of the publication of this patent application (US 2001/0051875). As discussed above, neither the ARTICLE nor MOLBAK, singly or in combination, suggest or disclose that the donation information should be collected by an entity other than the charitable organization. Likewise, neither KOREEDA nor KOLLING suggest or disclose "receiving selected transactional data from said give object-oriented program module, said delivery object-oriented program module, and said payment object-oriented program module" by an entity other than the charitable organization.

As these elements of claim 1 are neither disclosed nor suggested by the cited art, singly or in combination, claim 1 is patentable over the prior art.

Dependent Claims 3-14. Claims 3-8 and claims 9-14 depend from independent claim 2 and independent claim 1, respectively. As independent claims 2 and 1 are patentable over the cited art, their dependent claims 3-14 are likewise patentable over the cited art.

Dependent Claim 3. Dependent claim 3, which depends from independent claim 2, requires: "providing at least part of the transactional data to the charitable organization via the Internet." The ARTICLE neither suggests nor discloses this step as, in the ARTICLE, Toys for Tots is the charitable organization and collects the transactional data. Attempting to apply the ARTICLE to this claim would require that Toys for Tots report the transactional data to itself via the Internet, which makes no sense as Toys for Tots would already be in possession of the transactional data. Thus, claim 3 is further patentable over the cited art.

Dependent claims 4, 5 and 6. These claims depend from dependent claim 3 and, therefore, are further patentable over the cited art for the same reason as claim 3.

Dependent Claim 6. Dependent claim 6, which depends from dependent claim 3, further requires "the step of providing comprises receiving a request from the charitable organization for a report concerning transactional data for at least some of donors of the plurality of donors, and sending the report to the charitable organization." Support for this step is found in Figure 18 and the accompanying text, particularly paragraphs (0024) and (0025) on pages 13 and 14 of this application, which appears as paragraphs [0043] and [0044] of the publication of this patent application (US 2001/0051875). The ARTICLE neither suggests nor discloses this step. The ARTICLE discloses the charitable organization sending the information to the donor, which necessarily implies that the donor will receive only his/her own donation information. However, the claim requires that, where there is a plurality of donors, the charitable organization can select the donors for which it desires to receive donation information, and this information will be reported to the charitable organization. Thus, claim 6 is further patentable over the cited art.

Dependent Claims 7 and 8. Dependent claims 7 and 8, which depend from independent claim 2, further require "accepting a hyperlink request from the charitable organization to update a listing of the assets displayed." Support for this step is found in Figures 5 and 9 and the accompanying text. The ARTICLE does not even discuss updating the asset listing. Further, as the donation is at the charitable organization's own website, there would be no incentive or need to hyperlink to another website to update the asset information. However, in this claim, the charitable organization is updating its asset listing on the website of another organization, which is the website where the donor makes the donation. Thus, claims 7 and 8 are further patentable over the cited art.

Dependent Claim 8. In addition to the requirement discussed above, dependent claim 8 further requires "presenting a webpage to allow the charitable organization to select at least one of adding a new asset or editing an existing asset, and allowing the charitable organization to specify at least one of the following for an asset: a product number, a name for the product, the location of an image of the product, whether the donation is arbitrary or not, the price of the

product if not arbitrary, the tax deductible value of the product, or the category of the product.” Support is also found in Figures 5 and 9 and the accompanying text. The ARTICLE does not even discuss updating the asset listing. Further, as the donation is at the charitable organization’s own website, there would be no incentive or need to hyperlink to another website to update the asset information. In addition, there is no suggestion or disclosure in the ARTICLE that the charitable organization should have the choice of adding a new asset or editing the information on an existing asset. Likewise, there is no suggestion or disclosure in the ARTICLE that the location of the image of the product may be specified, that the price may be arbitrary or not, the price if not arbitrary, the tax information, and/or the category of the product. Thus, claim 8 is further patentable over the cited art.

Dependent Claim 9. Dependent claim 9 depends from independent claim 1 and further requires: “the confirmation object-oriented program module is further to provide at least part of the transactional data to the charitable organization via the Internet.” As discussed above with respect to claim 3, the ARTICLE neither suggests nor discloses this step as, in the ARTICLE, Toys for Tots is the charitable organization and collects the transactional data. Attempting to apply the ARTICLE to this claim would require that Toys for Tots report the transactional data to itself via the Internet, which makes no sense as Toys for Tots would already be in possession of the transactional data. Thus, claim 9 is further patentable over the cited art.

Dependent Claims 10-12. These claims depend from dependent claim 9 and, therefore, are further patentable over the cited art for the same reason as claim 9.

Dependent Claim 12. Dependent claim 12 depends from independent claim 1 and further requires: “the confirmation object-oriented program module responds to a request from the charitable organization for a report concerning transactional data for at least some of donors of the plurality of donors by sending the report to the charitable organization.” Support for this step is found in Figure 18 and the accompanying text, particularly paragraphs (0024) and (0025) on pages 13 and 14 of this application, which appears as paragraphs [0043] and [0044] of the publication of this patent application (US 2001/0051875). As stated with respect to dependent

claim 6, the ARTICLE neither suggests nor discloses this step. Thus, claim 12 is further patentable over the cited art.

Dependent Claims 13 and 14. Dependent claims 13 and 14 depend from independent claim 1 and further require: "the donor experience object-oriented program module is responsive to a hyperlink request from the charitable organization to update a listing of the assets displayed." Support is found in Figures 5 and 9 and the accompanying text. As discussed with respect to claims 7 and 8, the ARTICLE does not even discuss updating the asset listing and there would be no incentive or need to hyperlink to another website to update the asset information. Thus, claims 13 and 14 are further patentable over the cited art.

Dependent claim 14. Dependent claim 14 depends from independent claim 1 and further requires that "the donor experience object-oriented program module is responsive ... by presenting a webpage to allow the charitable organization to select at least one of adding a new asset or editing an existing asset, and allowing the charitable organization to specify at least one of the following for an asset: a product number, a name for the product, the location of an image of the product, whether the donation is arbitrary or not, the price of the product if not arbitrary, the tax deductible value of the product, or the category of the product." Support is found in Figures 5 and 9 and the accompanying text. As discussed above with respect to claim 8, the ARTICLE does not even discuss updating the asset listing. Further, as the donation is at the charitable organization's own website, there would be no incentive or need to hyperlink to another website to update the asset information. In addition, there is no suggestion or disclosure in the ARTICLE that the charitable organization should have the choice of adding a new asset or editing the information on an existing asset. Likewise, there is no suggestion or disclosure in the ARTICLE that the location of the image of the product may be specified, that the price may be arbitrary or not, the price if not arbitrary, the tax information, and/or the category of the product. Thus, claim 14 is further patentable over the cited art.

Independent claim 15. New independent claim 15 is directed to a method of allowing the charitable organization to update its own assets on the website of another organization. Claim 15 requires: "accepting at the other website a hyperlink request from the organization to update a

listing of the assets displayed.” Support is found in Figures 5 and 9 and the accompanying text. As discussed above with respect to claims 7, 8, 13, and 14, the donation is at the charitable organization’s own website, so there would be no incentive or need to hyperlink to another website to update the asset information. Thus, independent claim 15 is patentable over the cited art.

Also, as discussed above with respect to claims 8 and 14, the ARTICLE does not even discuss updating the asset listing so there is no suggestion or disclosure in the ARTICLE that the charitable organization should have the choice of adding a new asset or editing the information on an existing asset. Likewise, there is no suggestion or disclosure in the ARTICLE that the location of the image of the product may be specified, that the price may be arbitrary or not, the price if not arbitrary, the tax information, and/or the category of the product. Thus, independent claim 15 is patentable over the cited art.

Dependent Claims 16-17. Claims 16 and claims 17 depend from independent claim 15. As independent claim 15 is patentable over the cited art, its dependent claims 16 and 17 are likewise patentable over the cited art.

Dependent Claim 16. Dependent claim 16 depends from independent claim 15 and further requires: “accepting at the other website a hyperlink request to display the assets of the organization, retrieving at least part of the data provided by the organization, and presenting, to the requester of the hyperlink request, the at least part of the data.” Support is found in Figures 5 and 9 and the accompanying text. As discussed above with respect to claims 7, 8, 13 and 14, the ARTICLE neither suggests nor discloses that the website of another should be used by the charitable organization, so there can be no suggestion that the website of another should present any data to the charitable organization. Therefore, claim 16 is further patentable over the cited art.

Dependent Claim 17. Dependent claim 17 depends from independent claim 15 and further requires: “presenting at least one of the following: a product number, a name for the product, the location of an image of the product, the price of the product, or the tax deductible value of the product.” Support is found in Figures 5 and 9 and the accompanying text. As

discussed above with respect to claims 8 and 14, the ARTICLE neither suggests nor discloses that any of this information should be presented to the charitable organization as this information is already known to and is the control of the charitable organization. Therefore, claim 17 is further patentable over the cited art.

AFFIDAVIT UNDER RULE 131

Attachment B is the affidavit of inventors Miller and Standifer regarding Exhibit A, which includes a cover letter dated "Spring 1999" and the accompanying brochure "It's Time for a Conscious Change", the cover letter and brochure being hereinafter collectively referred to as "The Documents". In the affidavit, the inventors state that the date of The Documents is at least before November 1, 1999, which is before the publication date of the ARTICLE, but no earlier than February 1, 1999, which is one year before the filing date of the underlying provisional application in the present patent application. In the affidavit, the inventors also distinctly point out the parts of The Conscious Change Documents which are particularly relevant to showing a date of completion of the invention prior to the date of publication of the ARTICLE.

Claim steps 2(a) and 2(b) are shown in The Conscious Change Documents on page 4, first paragraph: "We'll help you strategically integrate your site with as many banners and icons as you need. With a simple click donors are connected to your location on our secure server." Also see page 5, paragraph "1.", and the first screen shot.

Claim step 2(c) is shown in The Conscious Change Documents on page 4, first paragraph: "Here you can offer them levels of membership, reports and subscriptions, promotional items like T-shirts, mugs or even your annual banquet tickets." Also see page 5, paragraph "2.", and the second screen shot.

Claim step 2(d) is shown in The Conscious Change Documents on page 5, paragraph "3.", and the third screen shot.

Claim step 2(e) is shown in The Conscious Change Documents on page 5, paragraph "3.", and the third screen shot. "Donors can 'add' the item or click 'return'."

Claim step 2(f) is shown in The Conscious Change Documents on page 5, paragraph "5.", and the fourth and fifth screen shots, particularly the upper left hand corner of the screen shot "organization's logo" which shows to which organization the donation is being delivered.

Claim steps 2(g) and 2(h) are shown in The Conscious Change Documents on page 5, paragraph "5.", and the fifth screen shot. "Once we have processed the request, donors will receive a 'donation confirmation'. It will have ..."

Accordingly, from the above, it will be appreciated that the claimed invention was made by the inventors prior to the publication of the ARTICLE and, therefore, the rejection based on the ARTICLE should be withdrawn, and the claims allowed.

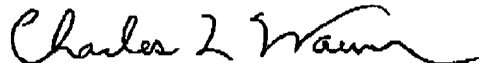
CONCLUSION

In view of the above, Applicant respectfully submits that the claims are allowable over the cited art, singly and in combination, for the reason that the prior art neither shows nor makes obvious the claimed invention, and/or for the reason that the claimed invention was made by the inventors prior to the publication of the ARTICLE. Accordingly, Applicant respectfully requests that the claims be allowed.

The Applicant requests that the requirement for corrections to the drawings be held in abeyance until the Allowance of the patent application.

If the Examiner believes that there are any issues or informalities which can be resolved by a telephone conference, a telephone call to the undersigned is respectfully requested.

Respectfully submitted,
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